



## Prosecutions

### Solicitors Disciplinary Tribunal

Last updated 14 May 2014

In some cases, we do not make the final decision about a [firm](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#firm) [\[https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#firm\]](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#firm) or regulated person's [alleged](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#allegation) [\[https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#allegation\]](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#allegation) [misconduct](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#misconduct) [\[https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#misconduct\]](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#misconduct). Instead, we refer it to the [Solicitors Disciplinary Tribunal](http://www.solicitortribunal.org.uk) [\[http://www.solicitortribunal.org.uk\]](http://www.solicitortribunal.org.uk), where we are responsible for prosecuting the matter. The [tribunal's](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#tribunal) [\[https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#tribunal\]](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#tribunal) powers are wider than some of ours. For example, it can [strike](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#strike-off) [\[https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#strike-off\]](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#strike-off) a [solicitor](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#solicitor) [\[https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#solicitor\]](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#solicitor) from the [roll of solicitors](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#roll) [\[https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#roll\]](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#roll).

The factors for and against prosecuting a case before the tribunal are balanced carefully and fairly. Two tests need to be satisfied:

- an [evidential](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#evidence) [\[https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#evidence\]](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#evidence) test, and
- a [public interest](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#public-interest) [\[https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#public-interest\]](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#public-interest) test.

You can learn more by reading the SRA's [Code for referral to the Solicitors Disciplinary Tribunal \(PDF 47K\)](https://www.sra.org.uk/globalassets/documents/SRA/decision-making/code-referral-tribunal-tests.pdf) [\[https://www.sra.org.uk/globalassets/documents/SRA/decision-making/code-referral-tribunal-tests.pdf\]](https://www.sra.org.uk/globalassets/documents/SRA/decision-making/code-referral-tribunal-tests.pdf).

Three types of [outcome](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#outcome) [\[https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#outcome\]](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#outcome) in relation to conduct referred to the tribunal may be published:

- A referral of alleged misconduct on the part of a firm or individual to the tribunal
- An order of the tribunal (The tribunal's orders are included in its published judgments.)
- Findings of the tribunal (The tribunal's findings are also included in its published judgments.)

#### **A referral of alleged misconduct on the part of a firm or individual to the tribunal**

This is **not a finding of misconduct**; it is a decision by us to prosecute before the tribunal. Allegations are often contested, and some or all of



the allegations may not be proved. It is for the tribunal to consider the evidence at a [hearing](https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#hearing) [https://www.sra.org.uk/consumers/using-solicitor/legal-jargon-explained#hearing] and decide whether the allegations are proved to the necessary standard. A decision to prosecute may only be published when the tribunal has certified that there is a case to answer.

## **An order of the tribunal**

This is the tribunal's final decision. An order may be subject to appeal. Detailed [findings](#) [#prosecution-finding] are often not available from the tribunal for several months after the hearing takes place.

Although we do not currently publish tribunal orders, we may do so in the future. Meanwhile, please [contact us](https://www.sra.org.uk/contactus) [https://www.sra.org.uk/contactus] if you have a question about a tribunal order.

## **Findings of the tribunal**

This is the tribunal's decision in full. It contains both the findings of the tribunal in detail and the [order](#) [#prosecution-order] made. Such findings may be subject to appeal.

View [Solicitors Disciplinary Tribunal findings and orders](https://www.sra.org.uk/consumers/solicitor-check/prosecutions/tribunal-findings/) [https://www.sra.org.uk/consumers/solicitor-check/prosecutions/tribunal-findings/]